Previous references.

File No.

1904 R 461 of 03-04

(Sep. Rev.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

PART B. FOR August

SUBJECT.

Refund under the Stamp Regulation on behalf of Desakulkarni Subba Rao of Sidlaghatta.

	FILE No. 461 of 1903-04.
	Refunds under the Stamp Regulation on behalf of Desakulakarni Subba Rao of Sidlaghatta.
1	From Desakulakarni Subba Rao of Sidlaghatta, petition Regd. No. 1763, dated 1st February 1904. Appeals against the order of the Deputy Commissioner of the Kolar District refusing to sanction the refund of the value *viz.* Rs. 12 of certain spoiled stamp papers produced by him.
2	To the Deputy Commissioner, Kolar District, No. Fl. 2731, dated the 6th April 1904. Forwards the above petition and requests him to submit a report for the orders of Government.
3	From the Deputy Commissioner, Kolar District, No. 730-68, dated the 29th July 1904. Reports on the above petition.
4	To the Deputy Commissioner, Kolar District, and the Comptroller, No. G. O. No. Fl. 1215-6, dated the 30th August 1904. Sanctions the refund, subject to the usual discount of one anna in the rupee.

File no. 461/03-04. 1

Office notes

Sl no 1.

Petition no: 1763/1-2-04 from one Desakulakarni Subba Rao of Siddlaghatta appealing against the order of the Dy Commr, Kolar District, refusing to refund the value of a stamp paper of Rs 12/- produced by him.

An endorsement rejecting the petition is submitted.

5/3/04

I have upheld the Dy Commr in this case as the stamp paper was not produced within the prescribed period. Got him on many occasions earlier.

Mr Menon — Section,
Mysore Case. Etc —
comments for the delay
— passed the refund —
why should this
petition be upheld?

2. The petition
is not stamped?
What is the proper
stamp that should
have been affixed
to this petition?

N
5/13/6

Submitted

3 (1.) In the endorsement produced by the petitioner it is stated that the stamp was not produced within the time prescribed and that refund was refused in accordance with the Stamp Regn. of Govt notification. From this it was presumed that the petitioner did not produce the stamp within a year from the date of purchase ~~In a case has refund been sanctioned~~ (the time allowed by the notn. of 1881 referred to in cir no: 5084-92-10 / 29.8.90 printed at page 93 of the Mysore Stamp Rules and notifications).

(2.) The case was considered

to be one falling under c
XV see 16 of the Mysore Court Fees' Reg
and hence not liable to
be stamped. If it is constru
otherwise, the petition will
have to be stamped with a
two rupees' stamp (vide
Art: 7(e) Schedule II of the
Mysore Court Fees' Regn.)
Orders are solicited.

N.V.
19/3/04

4. The Endorsement
does not give for
Parte interim -
Call for a repo
with the records
connected with the
case -
N
26/3/04

Submitted with draft.

N.V.
29/3/04

Sl no. 2

Draft issued on 6.4-0

G.R.S. 12]

General and Revenue Secretariat.

File No. 461 of 1903-04

Serial No. 3

From the Dy Commr, Kolar dt. No. 730/08 & 29-7-04

Reports on the petition of Desakul Karni Subba Rao of Sidlaghatta.

5. The Deputy Commissioner states that the spoiled Stamp paper was not presented within one year from the date of purchase. On this only ground the refund of the value has been refused. The records show that the petitioner pleads ignorance of law on the subject and that on account of plague scare he left his place & after return to the place he ~~filed~~ submitted a petition to the Dy Commr for refund. Para 1 — supra of the office notes says that on many occasions Govt have accepted the reasons for delay in presenting spoiled Stamp papers within the prescribed time, — such as — Sickness, Plague scare &c ~~&c~~ It is difficult to pick up particular instances on this point.

6. The question for consideration, at

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

G.R.S. 12

General and Revenue Secretariat.

File No. 461 of 1903-04

Serial No.

present, is, whether, on account of the reasons stated by the Petitioner for not presenting the document within prescribed time (viz ignorance of law and Plague Scare), the refund may be sanctioned or not.

Submitted, for orders

D.M. Seay

ak 8/8/04 Myk 11/8/04 GH 9/8/04

Let us see the rules on the subject.

It should have been stated whether the Law permits Condonation of late presentation. Please do so now. 12-8-1904

Submitted

There is no express provision either in the Stamp Regulation or in the Stamp Rules by Govt and Notifications, permitting the condonations of late presentation of Spoiled Stamp papers for refund. The Rules on the point are prescribed in the Stamp Regn. Chapter V. (§§ 50-54) in Notification No. 5084-92 & 9-8-1890

E.

B

† Technically no excuse

NOTE—Contn. sheet.

MG&PB—10 000—19-5-04

13/8/04 ak 14/8/04.

G.R.S. 12]

General and Revenue Secretariat.

File No. 461 of 1903-04

Serial No.

Please put up the Resolution of the G of India published in Circular 9 9th August 1870 - MCC 15/8/04

Asst Supt) Put up

Map 2 —

by Dy Comrs

The periods within which relief can be granted are ~~for~~ specified in section 50: There does not appear to be any express provision in the Regulation as to whether these periods can be extended by Govt. In the present case over 2 years have elapsed since the instrument were executed—

Subm. to the Secy MCC 15/6/04

I think that one year is the time within which refund should be applied for. Kindly ask the Dy Secy: to favor us with his opinion &c 16.8.1904

S.M. 16.8.04

The period of six months fixed by S. 50 of the Stamp Regn is one that has reference to the power of the Deputy Commissioner to make allowance for spoiled stamps. There is no such period fixed as regards Government. The fact that, in 1881, the Government of India

NOTE—Contn. sheet.

MGCPB—10,000—19-5-04

Serial No.

authorized Local Governments to allow refunds if application was made within a year from the date of purchase or other specified event, shows that the Govt of India believe that the Stamp Reduction does not impose any limitation with reference to their own laws & act. To impose the distinctive functions of Imperial and Local government combine in one authority, the Govt of this Highness the Maharaja; & the latter can therefore, in my opinion, act without restriction of time; i.e. ~~from~~ make allowance for spoiled or useless stamps whenever an application for relief may be presented, on good cause being shown to the applicant.

Sd Chandrasekhara
16.8.04.

Yes!

Many thanks

To Branch II

As plague is put down as the cause of delay, we may direct the refund prayed for

17.8.1904

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

Initials 17/8/04

R 1421
1904

No. 1763

Dasa thula Narasu Subbar
Name of Petitioner

Village } Siddapatla
Taluk }

District Kolar

Date of Arzi 1/2/04

Date of Receipt 6/2/04

Date of Disposal

No. of Enclosure 1

Transferred to the Judicial ~~Revenue~~ Department (Appointments).
10/2/04

ag
10.2.04

This is not dealt with in the Jud. Br.
11/2/04

Re subs
ag 11.2.04
Transferred to the Revenue Branch.
11/2/04

Returned
11.2.04

R 19/2/04
ag

Submitted with draft endorsement.
5/3/04

ABSTRACT

Informed in Govt G.O. No 26 dt 29/10/03 from the Amildar communicating the Commissioner's order to the effect that refund of value of stamp papers not used could not be ordered as the above was not produced [illegible] States that owing his ignorance of the [illegible] delay happened returning the above prays that all the

in the matter be pleased to
that the delay be excused
in that equitable order
passed.

8/2/04

Mysore Government
General and Revenue Secretariat
Petition Department
Reg'd No 1783 R
Date 6-2-1904

[illegible]

[illegible]

[illegible] 1904 [illegible]

[illegible]

[illegible] 26 [illegible]

[illegible]

To

The Dy Commr,

Idolar District.

No. H 2731 Gn 2 D

date. 6/4/04

In forwarding herewith, ~~the~~ in original with enclosure, for reference and obliging return, petition no: 1763 of 1.2.04 from one Desakulakarni Subba Rao of Siddlaghatta and subsequent reminder, appealing against the order of the Dy Commr refusing to refund the value, viz, 12 ~~annas~~ rupees, of a Stamp paper produced by him, has the honour to observe that the endorsement granted under his orders does not give full particulars and to request that a report ~~might be submitted~~ with the records connected with the case may be submitted for the orders of Govt "B.O" N 31/3/04

Dy. Sec. to Govt

Compd. 4/4.

Misc 19 Diary Nos 421

1904-905

From The Deputy Commissioner
Kolar District

To The Secretary to the
Government of Mysore
Revenue General Depattt.

Dated 29th July 1904

Despatched 29th.

Received

General No. 730
No. 68

Enclosure No. Nil

Reporting on the Petition
of Desakula Karni Subba
Rao of Siddaghatta

Deputy Commissioner's Office

Kolar District

Dated 29th July 1904

From

M. P. Pattanna Chetty Esquire

Deputy Commissioner

Kolar District

To,

B. K. Venkatavaradiengar Esqr

Secretary to the Government

of Mysore, Revenue General

Department

Sir,

With reference to your docket No. RL 2731 dated 6th April 1904, forwarding for report petition No. 1763 dated 18th February 1904 from Desakulakarni Subba Rao of Siddaghatta, appealing against the order of the Deputy Commissioner declining to refund the Value of a spoiled 12 Rupees Stamp paper produced by him, I have the honor to state that the paper was purchased by the applicant on 1st November 1901 and a sale-deed of immovable property for Rs 1200/- was written thereon

thereon on the same date. The purchas-
-ers having refused to pay the full
purchase money as agreed by them,
the sale became void, and the stamp-
-paper was rendered useless. The
applicant completed the transaction
on another stamp-paper of 10 Rupees
value and claimed refund of the
value of the spoiled 12 Rs stamp-
-paper. As the spoiled paper was
not presented within one year
from the date of purchase as required
by Government Circular No. 5084-92/107
dated 9th August 1900, an endorse-
-ment to the effect that the refund
could not be made was given to
the applicant.

2. The records ending with yadi
No. 4 dated 1st July 1904 from the
Assistant Commissioner incharge
of Ponda and other Talukas together
with the Petition No. 1763 is herewith
sent for reference and obliging
return. I have the honor to be,

Sir,
your most obedient servant
[illegible]
Deputy Commissioner

Post Rep No 5.

407

13.7.03

Before me

Sd/-

16/9/02

ಅನುಬಂಧ
26

ಸಂ.

4-11-1901 ರಲ್ಲಿ ಬರೆದ ಪತ್ರ. ಪತ್ರದಲ್ಲಿ ಸಂಸ್ಥೆಯ
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Kannada

Anil Kumar

2946
dt 7.10.03
Dy. Accts

24/9/03

dated 24/10/03 No 125

No. 5084-92
dated 9th Aug. 90.

For Dy. Commissioner

9.10.03.

Rs 2000
Rs 870
19-10-03

14/10/03

Rs 392

Rs. 27-10-03

30/6/04

30/6/04

30/6/04

30/6/04

1.7

G.R.S. 281

File No. 461-03

Serial No.

Diary No. of letter replied to 421

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Leg Rev.)
Stamps.

Dated, the 30th August 1904

Date of issue 30-8-04

Signed by Mr. M N Krishna Rao

READ.—

Letter no. 730/68 dated the 29th July 1904 from the Deputy Commissioner of the Kolar Dt., reporting on the petition of Desakulkarni Subba Rao of Sidlaghatta, appealing against the order of the Deputy Commissioner ~~ORDER THEREON.—No.~~ declining to refund the value of two spoiled ~~Stamped~~ papers produced by him on the ground that the paper was not produced within the prescribed period.

Order thereon.—No. H 1215-6/S.R 461-03

Under the circumstances, —

over

SUBJECT

explained by the petitioner, Government direct that the refund of the value of the Stamp papers refered to above viz: Rs 12/- be sanctioned, subject to the usual discount of one anna in the rupee.

8.11.04

Secretary

To

The Dy Comm, Kolar Dt with the Spoiled Stamp papers.

The Comptroller to the Govt H.H. the Maharaja of Mysore.